

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DAVID BRIAN MORGAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-18-805-D
)	
UNITED STATES,)	
)	
Defendants.)	

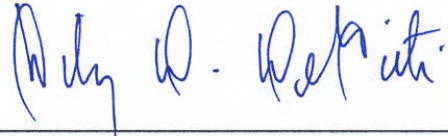
ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Purcell recommends the dismissal of this action without prejudice under Fed. R. Civ. P. 41(b) due to Plaintiffs' failure to comply with a prior order to cure certain deficiencies and failure to prosecute their case.

The case file shows no timely objection to the Report nor request for an extension of time, even though Plaintiffs were expressly informed of their right to object, the procedure for doing so, and the consequences of failing to object. Therefore, the Court finds that Plaintiffs have waived further review of all issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for the reasons stated by Judge Purcell, the Court finds that this action should be dismissed without prejudice to refiling.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 13] is ADOPTED in its entirety. This action is DISMISSED without prejudice to a future filing. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 19th day of October, 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE